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## RECENT CASES

AGENCY — TERMINATION OF AUTHORITY — WAR. — The defendant, an unnaturalized German, resident in England, being about to proceed to Germany executed a power of attorney appointing his solicitor his attorney to sell his house. The power of attorney was declared to be irrevocable for twelve months. A week later the defendant departed for Germany. There was evidence on which the court found that the defendant had reached Germany before the premises were sold to the plaintiff, under the power of attorney. The plaintiff as purchaser brings an action for a declaration that the agreement of sale had been dissolved by act of the defendant vendor in becoming an alien enemy. *Held*, that the power of attorney having been given by defendant at a time when he was not an alien enemy, being irrevocable, was not terminated by his becoming an alien enemy, and that the plaintiff was not entitled to have the agreement rescinded. *Tingley v. Müller*, [1917] 2 Ch. 144.

For a discussion of this case, see NOTES, p. 637.

ALIENS — NATURALIZATION — ACTION TO CANCEL CERTIFICATE OF CITIZENSHIP. — The defendant entered the United States ignorant of the immigration laws, and was not registered. He was unable, therefore, to file with his petition for naturalization a certificate of arrival, as required by section 4 of the Naturalization Act (34 STAT. AT L. 596). The Iowa court, in which he sought naturalization, granted a certificate of citizenship in spite of this defect. This was a proceeding under section 15 of the Naturalization Act to cancel the certificate of citizenship. *Held*, that the certificate should be cancelled. *United States v. Ness*, 38 Sup. Ct. Rep. 118.

A proceeding under section 15 is a suit in equity to cancel the certificate "on the ground of fraud or on the ground that such certificate was illegally procured." The case depends on the construction of the phrase "illegally procured." The general rule of statutory construction is that, when there are general words following specific words, the general words must be confined to things of the same kind. See SUTHERLAND, STATUTORY CONSTRUCTION, §§ 268-281. Under this rule, it would seem that the certificate should not be set aside on the ground that it was "illegally procured," unless the facts amounted to something so serious as to be analogous to fraud. The Iowa court was a court of general jurisdiction, upon which the Congress of the United States had conferred the full judicial power "to naturalize aliens as citizens of the United States." The court should have refused citizenship, because of the failure to file a certificate of arrival. *In re Liberman*, 193 Fed. 301; *In re Hollo*, 206 Fed. 852. See *United States v. Ginsberg*, 243 U. S. 472, 474. But *cf. In re Page*, 206 Fed. 1004; *In re Schmidt*, 207 Fed. 678; *In re McPhee*, 209 Fed. 143. But section 15 does not provide for a general review of the action granting citizenship. The filing of the certificate of arrival was not a jurisdictional fact, and the granting of citizenship without it would seem not to be an illegality within the meaning of section 15. This was the view taken by the Circuit Court of Appeals. *United States v. Ness*, 230 Fed. 950. The case marks an interesting change in the attitude of the Supreme Court towards naturalization. *Cf. Boyd v. Nebraska ex rel. Thayer*, 143 U. S. 135.

ARREST — ARREST BEFORE REQUISITION — VALIDITY UNDER FEDERAL LAW. — A federal statute under the extradition clause of the Constitution provides that when the state having jurisdiction of the crime demands the fugitive, in due form, from the asylum state, "it shall be the duty of . . . the State . . .